

NJDEP FY2011-2013 PPA Commitments

GOAL: Clean and Plentiful Water

Subgoal: Monitor, Assess, Report Trends

- In accordance with the federal Clean Water Act (CWA) requirement to monitor all waters for all uses, NJDEP will continue to monitor its water resources as described in the EPA-required 2005-2014 NJ Water Monitoring and Assessment Strategy, annually amended by the S106 Monitoring Initiative Strategies. NJDEP will assess water quality using all publically available, high quality data and provide NJ's assessment results to EPA in a format compatible with the ATTAINS national assessment database as required by Sections 303(d) and 305(b) of the CWA. NJDEP will develop responses to address listed water quality impairments, including Total Maximum Daily Loads or other enforceable actions, as required by Section 303(d) of the CWA. (SWC-1, 14, 26, 36, 66, 89)
- NJDEP will continue to fulfill its obligations under the CWA to make the State's water quality monitoring data publically available (USEPA's STORET Data Warehouse, USGS' NWIS, NJ's Water Quality Data Exchange System, Beaches website, Data Miner and NJ-GeoWeb), available to EPA for assessment (via the Assessment Database), as well as developing a data system to handle remote sensing, real-time and vessel-based coastal water quality data. In keeping with CWA requirements to 'monitor all waters for all uses' and to use 'all readily available high quality data', in partnership with USGS NJDEP will continue to coordinate the NJ Water Monitoring Council to further the awareness and use of external NJ monitoring data, as well as to leverage available water quality monitoring information and resources statewide. (SWC-37, 47, 165, 196, 200)
- NJDEP will continue to protect and enhance aquatic life designated uses, as required by the CWA, through a combination of biological and coastal ecosystem monitoring, including specialized monitoring needed to develop Total Maximum Daily Loads, or to identify sources of pollution. NJDEP will also focus on enhancing available water quality condition indicators (e.g., biological assessments using periphyton, lake diatoms, fish assemblage for headwaters and S. Jersey waters), as well as developing the use of automated underwater gliders for routine ocean water temperature, salinity and dissolved oxygen measurements. NJDEP will participate in EPA's National Aquatic Resource Surveys as resources allow, and use the data from these national surveys as appropriate in NJ's water quality assessments. (SWC-1, 7, 10, 12, 188, 192, 197, 198)
- In accord with the CWA's monitor all waters for all uses requirement, and the federal BEACH Act, NJDEP will continue to protect recreational designated uses in both tidal and non-tidal waters through the use of its Beach Monitoring program, its Clean Shores Program which uses inmate labor to clean debris from shorelines, through remote sensing on coastal aircraft flights which allows for early detection of algal blooms, as well as through information from EPA's summer coastal helicopter flights. (SWC-16, 185, 186, 201)
- In accordance with the requirements of CWA, fish and shellfish consumption will continue to be protected through a combination of activities, including: monitoring required for classification of shellfish growing waters, monitoring

for toxics in shellfish, and NJ's ongoing fish tissue monitoring program. (SWC-15, 23, 25, 199)

- Using EPA (106 water grant) funding, DEP will conduct research involving assessment, monitoring, sampling and analysis of multimedia aspects of water impairments (e.g. fish tissue monitoring, air deposition, etc) to address program needs under the CWA. (#TBD)
- Trends Reports to measure environmental progress - In coordination with all relevant DEP programs, provide current information on New Jersey's waters by updating web-based Trends Report chapters as feasible. (# TBD)

Subgoal: Meet Surface Water Quality Standards

- NJDEP through the implementation of its NJPDES permit program will continue to fulfill its obligations as a EPA authorized NPDES state by continuing to issue permits (including targeted priority permits, reduce permit backlogs), overseeing delegated pretreatment programs, keeping its regulations consistent with EPA rules (specifically Concentrated Animal Feeding Operations [CAFOs]), providing EPA with information on issued permits and effluent monitoring, and working with EPA on any mutually agreed upon permit-related action items. (SWC-43,44, 84,107,121,123, 188, 189, New)
- NJDEP will continue to maintain and update New Jersey's Surface Water Quality Standards as required by Section 303(c) of the CWA. NJDEP will continue to implement the commitments described in NJ's mutually-agreed (EPA and NJDEP) upon Nutrient Criteria Enhancement Plan, and will update this plan every 3 years. As required by EPA, NJDEP will utilize new bioaccumulation factors being developed to establish NJ methylmercury fish tissue criteria. (SWC-80, 81, 191, 197, 198, 199)
- Following adoption of the TMDLs that apply to CSO dischargers in New Jersey, the TMDLs will be implemented as expeditiously as possible through the NJPDES program. For those CSO discharges that will not be addressed by a TMDL, DEP will issue NJPDES CSO permits that require the permittee to complete the necessary water quality analyses, and will issue CSO permits that are consistent with both the technology-based and water quality-based requirements as well as any other applicable provisions of the CWA. (SWC-123.4)

Subgoal: Protect drinking water from pollution

- NJDEP through the implementation of its Underground Injection Control (UIC) program will continue to fulfill its obligations as a state with UIC primacy granted by EPA through permitting, remediation, enforcement and reporting activities and the development of a new MOA. (GWC-11M, 23, 24)
- NJDEP will focus water quality monitoring resources on selected water bodies upstream of currently un-assessed or under-assessed drinking water intakes to ascertain their vulnerability to pollution, in accordance with the requirements of the CWA. (SWC-29New)

Subgoal: Public drinking water systems to meet drinking water standards

- NJDEP through the implementation of its Public Water System Supervision (PWSS) program will continue to fulfill its obligations as a state with PWSS primacy granted by EPA by maintaining a public water system infrastructure inventory and determining compliance with the state primary drinking water

regulations (that are no less stringent than the national primary drinking water regulations (NPDWR)); issuing enforcement actions to compel water systems to comply with state regulations; conducting sanitary surveys on public water systems in the State; and providing EPA with information as required by the NPDWR. (DWC-1, 26, 43, 44, 45)

- By July 1 of each year, NJDEP will submit an annual report of violations to USEPA Region 2 as per Section 1414(d)(3)(A) of the federal Safe Drinking Water Act (SDWA). (DWC-61)
- NJDEP will demonstrate annually that it is effectively implementing and enforcing the lead ban provisions (Sec. 1417(a)(1)) of the SDWA through the NJDCA's plumbing subcode NJAC 5:23-3.15(a)1 (which adopts the National Plumbing Subcode/2000, 4.2.4). (DWC-85)
- NJDEP will implement part of USEPA's Unregulated Contaminant Monitoring Rule III (Sec. 1445 (a) of the Safe Drinking Water Act) by communicating monitoring requirements to New Jersey water systems, collecting water samples from selected New Jersey water systems and reviewing the data collected to determine the level of response needed. (DWC-72)

Subgoal: Ground water quality to meet standards for designated uses, and ground water discharging to surface water will not adversely impact the surface water system

- NJDEP will continue to assess NJ's ground water quality through operation and maintenance of its shallow ground water monitoring network in accordance with the EPA-required NJ 2005-2014 Water Monitoring & Assessment Strategy. (GWC-1)
- Issue NJPDES UIC permits for cleanup of contaminated sites. (GWC-17)

Subgoal: Long-term Restoration of Barnegat Bay

- In concert with the CWA requirement that nutrient criteria be developed by EPA or the states on a more local basis, NJDEP was funded to develop criteria, including biological indices to measure ecosystem health of NJ's shallow coastal bays, and assessment of marsh's sedimentation rate over past 100 yrs as baseline to evaluate impacts of changes in land form and use in conjunction with anticipated sea level rise. Info will provide criteria for managing sources of nutrients to the state's bays and for making coastal permitting land-use decisions. (SWC-194New)
- \$150,000 Discretionary funds - Barnegat Bay Wetlands Assessment. Work will consider climate change and sea level rise adaptation, and provide assessments of those Barnegat Bay tidal wetlands that are most functional and critical for restoration, protection and preservation. (SWC-New)

Subgoal: Non-Point Source Pollution Control

- As required by the CWA Section 319 Nonpoint Source Management Program, report into the Grants Reporting and Tracking System (GRTS) all projects selected for Non-Point Source (NPS) grant funds. (SWC-138)
- Also as is customary under 319 funding, provide NPS success stories for waterbodies that were primarily nonpoint source impaired and have been partially or fully restored and removed from the Section 303(d) list. NJDEP will commit to provide one WQ-10 & one SP-12 in FY 2011 and one additional WQ-10 & one additional SP-12 by the end of FY 2013. (SWC-138)
- \$371,482 Discretionary funds – Implement 3 or more major NPS pollution control stormwater basin retrofit projects in upper portions of Barnegat

Bay. (SWC-193): Milestone 1 - Fall 2010 Complete Planning, Preliminary Design and Prioritized List of Projects; Milestone 2 - Spring of 2011 Final Selection and Design of BMP's/QAPP Development; Milestone 3 - Fall of 2011 Complete Permit Process and Initiate Construction; Milestone 4 - Fall of 2012 Complete Load Reduction Calculation and Success Stories; Milestone 5 - Winter of 2012 Conduct/Complete Public Education, Outreach, Workshops to showcase accomplishments

- \$381,715 Discretionary funds - Green infrastructure projects to control, manage and reduce wet weather associated nonpoint sources of pollution for the Rockaway River, as well as the TMDL for phosphorus in the non-tidal Passaic River Basin. (SWC-195)

Subgoal: Cleanup Contaminated Ground Water and Prevent Further Ground Water Contamination

- Issue NJPDES UIC permits for cleanup of contaminated sites. (GWC-17)

Subgoal: Pesticide Monitoring of Surface and Ground Water

- Reflective of national standards for effective monitoring as a condition of state program primacy, NJDEP will monitor surface and ground water for pesticide contamination and report results using the national web-based data system POINTS. (PSC-1)

Subgoal: Compliance Monitoring, Correction and Behavior Change

- NJDEP will meet with EPA quarterly to review and prioritize responses to non-compliance with CWA provisions employing the Significant Noncompliance Action Program (SNAP). Reflective of Compliance Monitoring Strategies, National Program Manager guidance and Regional and state priorities, NJDEP will conduct compliance monitoring activities at a portion of the sources subject to the CWA including: major and minor NJPDES facilities, Combined Sewer Overflow facilities, Municipal Separate Storm Sewer System facilities, Categorical Industrial General Storm Water facilities and Significant Industrial User's. NJDEP will share all necessary information with EPA on these activities. (SWC-45, 101, 124)
- Also reflective of national and state guidance and priorities, NJDEP will continue to perform periodic compliance evaluation inspections of Public Water Systems, at least biennially for Community Water Systems and once every 5 years for non-community water systems. (DWC-43) NJDEP will meet with EPA quarterly to review and prioritize responses to non-compliance with SDWA provisions to ensure timely and appropriate action. (DWC-44, 45, 46; SWC-127, 129)

GOAL: Clean Air

- Report Trends to measure environmental progress - In coordination with all relevant DEP programs, provide current information on New Jersey's air quality by updating web-based Trends Report chapters as feasible. (# TBD)

Subgoal: Bring the state into attainment for all criteria air pollutants and maintain air quality in areas already meeting health standards, minimize exposure to air toxics, and minimize the adverse effects of air pollution

- In accordance with the CAA, NJDEP will maintain, continuously review and update where appropriate and funded, in consultation with EPA Region 2, a statewide air monitoring system that provides the necessary data to determine air quality throughout New Jersey. (AQC-New 126 petition, 1, 3, 4, 7, 13, 15, 16, 17, 18, 28, 29, 41, 45, 46, 48, 99, 161)
- Based on the requirements of the CAA and the data collected by the statewide monitoring systems, NJDEP will develop the necessary planning documents including State Implementation Plans (SIPs) for EPA Region 2 review and approval. (AQC-New [‘10 8-hour ozone], New [transportation conformity budgets SIP], New [Enhanced I/M], New [BART SIP], New [NO2 SIP], New [Lead SIP], New [SO2 SIP], New [PM2.5 SIP], 50 New, 73, 121)
- In accordance with requirements under the CAA, NJDEP will issue regulatory control documents (permits, etc) and implement mobile source control programs to address regulated air pollutants of concern as well as those identified by the statewide air monitoring system. (AQC-49, 58, 60, 62, 63, 76, 79, 81, 82, 106, 107, 113, 115, 116, 116.1, 116.2, 117, 119, 120, 121.1, 148, 160 (toxics- related), 162, 163 (I/M-related))

Subgoal: Compliance Monitoring, Correction and Behavior Change

- Reflective of Compliance Monitoring Strategies, National Program Manager guidance and Regional and state priorities, NJDEP will meet with EPA quarterly to develop work plans and review cases. NJDEP will conduct activities annually to satisfy the need for full compliance evaluations at a portion of the largest sources of air pollution (50% of Majors, 20% of large Synthetic Minors or SM-80s and 20% of regular Synthetic Minors). NJDEP will administer grants provided to local agencies in high population industrialized areas through the County Environmental Health Act program and will provide EPA with the necessary information on compliance and enforcement activities. (AQC - 126, 127, 129, 130, 140, 143)

GOAL: Safe and Thriving Communities

- Report Trends to measure environmental progress - In coordination with all relevant DEP programs, provide current information on New Jersey’s communities by updating web-based Trends Report chapters as feasible. (# TBD)

Subgoal: Reduce exposure to radon

- Pursuant to the Radiation Protection Act (N.J.S.A. 26:2D), NJDEP will conduct outreach activities to educate the public on the risks of radon and how homes can be remediated. Additionally, to ensure radon professionals have the necessary training and educational backgrounds, NJDEP will continue to certify radon testers and mitigators. (RNC-35, 39, 40, 42, 43,

44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 57.1, 58, 59New, 60New, 61New)

Subgoal: Achieve and maintain the safe management of wastes

- Pursuant to NJDEP's delegation of the base program under RCRA, NJDEP will continue its oversight of operating RCRA regulated facilities issuing permits where appropriate. It will also continue its RCRA data management activities as well as to completing its review of historical RCRA data. (SHC-5.5, 5.6, 5.7, 15, 24, 27.5, 37, 45.1)

Subgoal: Clean up contaminated RCRA Corrective Action Sites and Facilities

- NJDEP will select remedies and complete construction of remedies at RCRA Corrective Action sites (SRC-22, 27)
- NJDEP will assist EPA in cleaning up their RCRA sites so they are able to reach their goals to control human exposures and migration of contaminated groundwater. (SRC-27.2)
- Coordinate activities with DEP and SPR bureaus impacted by the RCRA Corrective Action Sites and Closure/Post-Closure permits. Conduct meetings, provide necessary information and correspondence, issue public notices and provide case review and technical support as needed. (SCR-15).

Subgoal: Ensure the Safe and Proper Use of Pesticides

In accordance with Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and to maintain pesticide enforcement primacy:

- NJDEP will develop and upgrade training manuals and issue licenses to pesticide applicators along with on-going evaluation of certification of training courses. NJDEP will track workers, handlers, and trainers trained under the National Testing Verification Program (PSC-23, 24)
- NJDEP will communicate with, educate and train relevant audiences in up-to-date information on the Worker Protection Program. (PSC-22)
- NJDEP will perform annual compliance inspections across various regulated entities either manufacturing, applicators or users of pesticides. NJDEP will meet with EPA semi-annually to develop and implement workplan and provide case status updates. (PSC-31, 36, 40, 41)
- NJDEP commits to respond to EPA referrals on an as needed basis under the Federal Insecticide, Fungicide, and Rodenticide Act and document evaluations with mid and end of year reports. (PSC-39)

Subgoal: Compliance Assurance, Correction and Behavior Change

RCRA Hazardous Waste Program

NJDEP will evaluate hazardous waste manifest data, and other available data to target compliance monitoring evaluations at those facilities and actors who present the greatest risk to the public and the environment. The targets will also consider Compliance Monitoring Strategies, National Program Manager guidance and Regional and state priorities.

- Approximately 300 inspections per year will address 20% of all Large Quantity Generators (LQG) or those producing at least 2,200 lbs of waste per month (13 tons/year). (SHC-55, 78)
- Another 200 inspections will address Small Quantity Generators (SQG), Conditionally Exempt Small Quantity Generators (CESQG), transporters, universal waste handlers and used oil handlers according the risk they present. (SHC-55, 78)
- NJDEP commits to conduct an inspection of all commercially operated Treatment/Storage/Disposal Facilities (TSDF's) at least once every 2 years and all federally operated TSDF's annually. (SHC-55, 78)
- NJDEP will also conduct compliance monitoring evaluations or operation and maintenance inspections at least one every 3 years at each hazardous waste landfill facility (LDF) where groundwater monitoring is being conducted by the owner/operator. (SHC-55, 78)
- NJDEP will share necessary compliance monitoring information with EPA and will support the collection of information EPA seeks directly, while EPA will supply information to NJDEP quarterly on new generators. NJDEP will provide compliance assistance and education to new generators and will take timely and appropriate action for non-compliance. (SHC-1, 2, 60, 71, 78)

GOAL: Abundant Open Space and Good Stewardship of Public Lands

- Report Trends to measure environmental progress - In coordination with all relevant DEP programs, provide current information on New Jersey's lands by updating web-based Trends Report chapters as feasible. (# TBD)

GOAL: Healthy Ecosystems

- Report Trends to measure environmental progress - In coordination with all relevant DEP programs, provide current information on New Jersey's ecosystems by updating web-based Trends Report chapters as feasible. (# TBD)

GOAL: Foster Green Energy

- Report Trends to measure environmental progress - In coordination with all relevant DEP programs, provide current information on New Jersey's energy use by updating web-based Trends Report chapters as feasible. (# TBD)

GOAL: Effective Government and Sound Decision-Making

- Report Trends to measure environmental progress - Maintenance, routine updating as feasible, and posting to NJDEP's web site. (# TBD)

Subgoal: Information/data DEP collects helps DEP achieve its goals, support its operations & report its results

- Pursuant to EPA requirement that states receiving federal funding have a quality management plan with quality assurance activities consistent with the requirements as identified in 40CFR parts 31 and 35, NJDEP will

continue its review and corrective actions of its Quality Assurance Program and ensure the timely development, and deployment of the Departmental FY 2011-14 Quality Management Plan. (QAC-4, 5)

- Support and enhance presentation of environmental information for public access and use. (OGC-52)